

Notice of Allowability

Application No.

10/729,455

Applicant(s)

VAN AKEN ET AL.

Examiner

Sajous Wesner

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment dated 5/2/06.
2. ☒ The allowed claim(s) is/are 1-8 and 10-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

DETAILED ACTION

Remark

This communication is responsive to the amendment and response dated May 2, 2006. Claims 1-8, 10-20 are presented for examination.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Nabulsi Basam on June 21, 2006.

The application has been amended as follows:

In claim 1, at line 7, after "color measurement data" insert **–to a desired color calibration standard–**; at line 11, after "first centroid" insert **–based on said first color calibration standard associated with a first color instrument type–**; and after "second centroid" insert **- based on said second color calibration standard associated with a second color instrument type -**.

In claim 11, at line 9, after "color measurement data" insert **–to a desired color calibration standard–**; at line 13, after "first centroid" insert **–based on said first color calibration standard associated with a first color measuring instrument type–**;

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and after "second centroid" insert - ***based on said second color calibration standard associated with a second color measuring instrument type*** -.

In claim 17, at line 2, after "wherein" delete -;-. At line 12, after "measurement data", insert -***to a desired color calibration standard***-; and at line 13, after "*first centroid*" insert -***based on said first color calibration standard associated with a first color measuring instrument type***--; and after "second centroid" insert - ***based on said second color calibration standard associated with a second color measuring instrument type*** -.

Allowable Subject Matter

2. Claims 1-8, 10-20 are allowed over the prior art.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

The present invention is directed to color measurement systems for multi-standard color-measurement, whereby color-measurements based on a first color measurement standard may be selectively restandardized, so that system users are able to mix or employ color-measuring instrument types more easily and effectively, so that the resultant color measurement data may be evaluated as though it was generated by the other manufacturer's color-measuring instrument.

The best prior art of record (US 6559944 or 6043894) assigned to Van Aken teaches an analogous art including transforming color measurement data from a first

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color calibration standard to a second color calibration standard used by a second color measuring instrument (e.g., the remote color instrument laboratory via item 20 of fig. 1; see col. 3, lines 20-37); and remeasuring the color measurement data using the data transform or delta profile, so as to generate a new instrument profile until such time as the instrument generates corrected results within the appropriate specification (see col. 3, lines 53-67 and col. 4, line 25 to col. 5, line 19). However, the prior art fails to teach selectively transforming the color measurement data to a desired color calibration standard using the data transform or delta profile, so as to restandardize the color measurement data to the second color calibration standard, wherein the selectively transforming the restandardizes color measurement data is from a first centroid based on said first color calibration standard associated with a first color measuring instrument type to a second centroid based on said second color calibration standard associated with a second color measuring instrument type. Accordingly, the limitations of claims 1-8, and 10-20 of the instant application are allowed over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajous Wesner whose telephone number is 571-272-

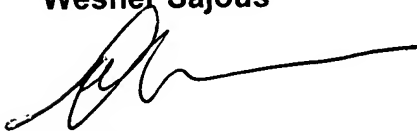
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7791. The examiner can normally be reached on Mondays thru Fridays between 10:30 and 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wesner Sajous

A handwritten signature in black ink, appearing to read 'Wesner Sajous', with a long horizontal stroke extending to the right.

6/22/06